

Docket No. P1647US

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MOUSSEAU, Gary, P.
Serial No.: 10/786,039
Filed: February 26, 2004
Title: METHOD AND APPARATUS FOR CHANGING THE
 BEHAVIOR OF AN ELECTRONIC DEVICE
Examiner: VU, Michael T.
Group Art Unit: 2617
Confirmation No.: 2929
Date Submitted: May 18, 2007

Mail Stop **Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests review of the final rejection of February 22, 2007 in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached pages 2-5.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-6, 9-14, 19, 21-24 and 25 are pending in the application. Claims 1, 5, 10, and 25 are independent.

Claims 1-2, 4-6, 9-14, 19, 21-23 and 25 were rejected under 35 U.S.C. 102(e) as being anticipated by Kashima (US 2005/0136903), for the reasons discussed on pages 5-9 of the Office Action. Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kashima in view of Harris (US 2005/0009547). Applicant respectfully traverses all art rejections, for at least the reasons set forth in the previously-submitted responses. The basis for this request for review is the examiner's omissions of essential claim elements needed for a prima facie rejection, as set forth below.

Each of independent claims 1, 10 and 25 recites the limitation of "said notification profile is selected by said microcomputer based on said string of text appearing in said calendar event".

Independent claim 5 recites the limitation of "said microcomputer is operable to execute said voicemail application and said electronic device includes a storage device for storing said communication when said communication is directed to said voicemail application."

I - Claims 1, 10 and 25

With regard to the Examiner's rejections of claims 1, 10 and 25, the Applicant relies on and refers to its arguments in the office action response filed December 20, 2007 found on pages 2 and 3 of that office action response. Kashima fails to disclose the limitation of "said notification profile is selected by said microcomputer based on said string of text appearing in said calendar event". The anticipation rejection is specifically based on Kashima paragraphs 0015-0042, which thus generally references the entire detailed description of Kashima. The Examiner makes the general observation on Page

3 of the Office Action that the notification profile of Kashima can include **text to produce** a reminder message, such as the text "Need to go to the bank, and Take Medicine". However, careful review of Kashima reveals that there is no reference in Kashima to **text forming part** of a trigger context. According to Kashima, a "text string" can be defined in order to be *part of the reminder alert*, as per paragraph 35 of Kashima. This is the only explicit reference to text strings. There is no teaching or suggestion in Kashima that a notification profile is actually selected (e.g. an alert tone, or absence thereof, for an incoming call) based on a "string of text appearing in said calendar event," in accordance with claim 1 as currently pending.

II -Claim 5

With regard to the Examiner's rejections of claim 5, the Applicant relies on and refers to its arguments in the office action response filed December 20, 2007 found on Page 3 of that office action response. The element "said microcomputer is operable to execute said voicemail application and said electronic device includes a storage device for storing said communication when said communication is directed to said voicemail application" is neither expressly nor inherently described in Kashima. The anticipation rejection is specifically based on Kashima paragraphs 0015-0042, which generally references the entire detailed description of Kashima, and therefore no explicit passage is cited in Kashima that includes this limitation. The user interface in Kashima is used for providing reminders to different trigger contexts – there is no teaching or suggestion in Kashima of a voicemail application as currently claimed in claim 5.

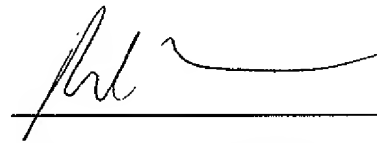
In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned agent may be reached by telephone at (416) 920-8170 x 109. All correspondence should continue to be directed to

our address given below.

The Applicants hereby request that any fee which may be required for the papers being filed with this letter be charged to, or any overpayment be credited to, Account No. 50-3750.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Andrew Currier', is written over a horizontal line.

Agent for Applicants
T. Andrew Currier
Registration No. 45,400

Date: May 18, 2007

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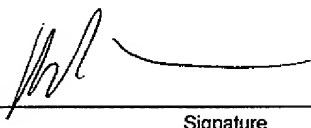
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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) P1647US00	
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		First Named Inventor MOUSSEAU, Gary, P.	
		Art Unit 2617	Examiner VU, Michael T.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,400</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p> Signature T. Andrew Carrier Typed or printed name 416.920.8170 ex. 109 Telephone number May 18, 2007 Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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